



W.P(MD)Nos.21891, 21892 & 21893 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

Coram

THE HON'BLE MR.JUSTICE **S.M. SUBRAMANIAM**
and
THE HON'BLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P(MD)Nos.21891, 21892 & 21893 of 2022
and
W.M.P(MD)Nos.16051, 16052 & 16053 of 2022

Murugan	.. Petitioner in W.P(MD)No.21891/2022
Aiyappan	.. Petitioner in W.P(MD)No.21892/2022
Palavesam	.. Petitioner in W.P(MD)No.21893/2022

VS

- 1.State of Tamil Nadu,
Represented by its Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
Secretariat,
Chennai – 600 009.
- 2.State Level Scrutiny Committee,
Represented by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
Chennai – 600 009. .. Respondents in all W.Ps'

Common Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the second respondent herein in proceedings Nos.16195/CV-2/2010-18, 16194/CV-2/2010-12 and 16206/CV-2/2010-16, dated 29.06.2022 and quash the same as illegal and



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further direct the respondents herein to issue Community Certificate to the petitioners forthwith to the effect that the petitioners belong to Scheduled Tribe “Hindu Kattunaicken” Community.

For Petitioner : Mr.V.Meenakshi Sundaram
(in all W.Ps')

For Respondents : Mr.Veera Kathiravan
(in all W.Ps') Additional Advocate General
Assisted by
Mr.N.Satheesh Kumar
Additional Government Pleader

COMMON ORDER

[Order of the Court was made by **S.M. SUBRAMANIAM, J.**]

The proceedings of the Tamil Nadu State Level Scrutiny Committee, dated 29.06.2022, are sought to be quashed in these Writ Petitions.

2.Beyond the disputed facts raised between the parties in the lis on hand, the learned counsel appearing on behalf of the petitioners mainly contended that Dr.G.Pandiaraj, M.A., Ph.D./Anthropologist, who had submitted a report while functioning as District Level Committee member has decided the issues raised before the Tamil Nadu State Level Scrutiny Committee. In other words, Dr.G.Pandiaraj, was the member of the District



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Level Committee and thereafter became the member of State Level Scrutiny Committee, which caused prejudice to the interest of the writ petitioners.

Once an Anthropologist submitted a report while sitting as a member of the District Level Committee, the same Anthropologist cannot participate in the State Level Scrutiny Committee proceedings and the said factum caused prejudice to the interest of the petitioners and thus, we are inclined to remand the matter back for fresh consideration by any other Anthropologist at the choice of the Chairman/Tamil Nadu State Level Scrutiny Committee.

3.The learned Additional Advocate General appearing on behalf of the respondents submitted a copy of the letter, dated 06.10.2023 issued by the Chairman, State Level Scrutiny Committee-II/Additional Secretary to Government and the letter indicates that other than G.Pandiaraj, two more Anthropologists are nominated vide G.O.(D)No.74, Adi Dravidar and Tribal Welfare (CV1) Department, dated 05.04.2022 i.e., Thiru S.Udayakumar and Thiru P.Tamil Oli for two State Level Scrutiny Committee. Further, the instructions state that two months time is required for the purpose of completing the exercise.



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4.Taking note of the letter, dated 06.10.2023, the second respondent/State Level Scrutiny Committee, represented by its Chairman and the Secretary to Government, is directed to appoint any other Anthropologists and the members, who are not parties to the impugned proceedings, dated 29.06.2022 and conduct an enquiry and pass appropriate orders by affording an opportunity to the parties and on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Consequently, the impugned order dated 29.06.2022 passed by the second respondent is quashed and the Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
09.10.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



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- To
- 1.The Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
Secretariat,
Chennai – 600 009.
 - 2.State Level Scrutiny Committee,
Represented by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
Chennai – 600 009.



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and
V. LAKSHMINARAYANAN, J.,

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